

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

ROBERTO TIRADO-GARDON, et al.,

**Plaintiff(s)**

**v.**

RAFAEL ARAGUNDE-TORRES, et al.,

**Defendant(s)**

**CIVIL NO. 06-1044 (JAG)**

**ORDER**

On March 2nd, 2006, Magistrate-Judge Justo Arenas issued a Report and Recommendation ("R&R") to deny defendants' Motion Requesting Dismissal or Stay pursuant to Colorado River Water Conservation Dist. v. United States, 424 U.S. 800, 814-15 (1976). (Docket No. 31). The Magistrate-Judge concluded that: 1) there is no "parallel state court proceeding which would conclude in conflicting results"; 2) there are no "federal claims [which are] in any way entangled in a skein of state law;" and 3) the "exceptional circumstances" required by Colorado River and its progeny are not present here. Id., at 6. On March 15th, 2006, the defendants filed objections to the R&R, in which they renewed the arguments set forth in the Motion to Dismiss or Stay. (Docket No. 34).

Upon de novo review of the record, the Court finds that the conclusions reached by the Magistrate-Judge are essentially correct

Civil No. 06-1044 (JAG)

2

and, therefore, **ADOPTS** the R&R in its entirety. Defendants do not convince the Court that the factors in favor of dismissal outweigh the court's "virtually unflagging obligation" to exercise jurisdiction. Colorado River, 424 U.S. at 817-818; see also KPS & Assoc. v. Designs by FMC, 318 F.3d 1, 11, (1st Cir. 2003) ("[g]iven the heavy presumption in favor of exercising jurisdiction and the lack of merit in Design's arguments, the district court was justified in summarily denying Design's motion").

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 16th day of March, 2006.

S/Jay A. Garcia-Gregory  
JAY A. GARCIA-GREGORY  
United States District Judge